IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

CRP.No. 1730 of 2001(A)

(E.P.No. 647 of 2000 in OS.1324/1994 of II ADDL.SUB COURT,THRISSUR)

REVN. PETITIONER/JUDGMENT DEBTOR:

SUBRAMANYAN, S/O. MEPARAMBIL AYYAPPAN,
POONKUNNAM DESOM, THRISSUR VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.P.VIJAYA BHANU
ADV. SMT.ROHINI V.MENON

RESPONDENTS/DECREE HOLDERS:
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1. BALAN @ RAMAN EZHUTHASSAN,
S/O. KATTUVALAPPIL SANKARAN EZHUTHASSAN,
PATTURAKKAL DESOM, VARIYAM LANE,
THRISSUR VILLAGE, THRISSUR TALUK. (DIED)

2. KALYANI, W/O. BALAN @ RAMAN EZHUTHASSAN,
PATTURAKKAL DESOM, VARIYAM LANE,
THRISSUR VILLAGE, THRISSUR TALUK.

3. VIJAYALAKSHMI, D/O. BALAN @ RAMAN EZHUTHASSAN,
PATTURAKKAL DESOM, VARIYAM LANE,
THRISSUR VILLAGE, THRISSUR TALUK.

4. KOMALAVALLY, D/O. BALAN @ RAMAN EZHUTHASSAN,
PATTURAKKAL DESOM, VARIYAM LANE,
THRISSUR VILLAGE, THRISSUR TALUK.

5. RAVINDRANATH, S/O. BALAN @ RAMAN EZHUTHASSAN,
PATTURAKKAL DESOM, VARIYAM LANE,
THRISSUR VILLAGE, THRISSUR TALUK.

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P. NO. 3784 OF 2001 IN C.R.P.NO. 1730 OF 2001

DISMISSED.

23.08.2007 SD/- K.T. SANKARAN, JUDGE.

/TRUE COPY/

P.A. TO JUDGE.

K.T. SANKARAN, J.

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C.R.P. No. 1730 OF 2001

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Dated this the 23rd August, 2007

O R D E R

The judgment debtor in E.P.No. 647 of 2000 in O.S.No. 1324 of 1994 of the Sub Court, Thrissur is the Revision Petitioner. He challenges the order dated 26th June, 2001, by which the court below rejected the prayer of the judgment debtor to pay off the decree debt in instalments as such a prayer was opposed by the decree holder.

2. It is stated in the revision petition that execution petition was filed for realisation of an amount of Rs. 34,846/- with interest by arrest and detention of the judgment debtor in civil prison. It is stated in the Revision Petition that the revision petitioner is willing to pay off the decree debt in monthly instalment of Rs.1000/- each.

3. The Civil Revision Petition was admitted on 24.07.2001 and interim stay was granted on condition that the petitioner shall deposit Rs.5,000/- within one month. It is stated that the interim order was complied with.

4. Had the petitioner paid Rs. 1000/- each per month, by this time, the entire decree debt would have been wiped off. There is no bonafides in the

contentions raised by the revision petitioner. The court below was justified in rejecting the prayer made by the revision petitioner. There is no illegality or irregularity in the order impugned.

The Civil Revision Petition lacks merit and it is accordingly dismissed. However, the petitioner is granted one month's time to pay off the decree debt. The petitioner shall not be arrested in execution proceedings in E.P. 647 of 2000 for a period of one month.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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C.R.P. No. 1730 OF 2001

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Dated this the 23rd August, 2007

O R D E R